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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,851	08/21/2003	Avraham Ron Schlank	03630.000083.2	6145
5514	7590	08/24/2006	[REDACTED]	[REDACTED] EXAMINER
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			DULANEY, BENJAMIN O	[REDACTED]
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/644,851	SCHLANK ET AL.
	Examiner	Art Unit
	Benjamin O. Dulaney	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 October 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 21-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 21-27 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/21/2003</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1) Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,539,530 by Reifman et al., and further in view of U.S. patent 5,452,289 by Sharma et al.
- 2) Regarding claims 21, 26 and 27, Reifman teaches an accepting step of accepting a document from an application program; a selecting step of selecting whether the document accepted in said accepting step is to be transmitted or printed by said image processing apparatus; a first step of setting a print setting in a case where said selecting step selects that the document is to be printed; a second setting step of setting a transmission setting including a destination in a case where said selecting step selects that the document is to be transmitted; and a transferring step of transferring the image data converted in said converting step, and either the print setting set in said first setting step or the transmission setting set in said second setting step to said image processing apparatus to cause said image processing apparatus to print or transmit the image data (Column 9, line 54 – Column 10, line 10).

Reifman does not specifically teach a data processing method for use by a printer driver in a computer terminal connected to an image processing apparatus, said

method comprising: a converting step of converting the document accepted in said accepting step into image data which is printable form.

Sharma teaches a data processing method for use by a printer driver in a computer terminal connected to an image processing apparatus, said method comprising: a converting step of converting the document accepted in said accepting step into image data which is printable form (Figure 1; Column 42, lines 47-68).

Reifman and Sharma are combinable because they are both from the facsimile field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Reifman with Sharma to add a driver and file conversion. The motivation for doing so would have been so that a “print file is then converted and imaged” (Column 42, line 54). Therefore it would have been obvious to combine Reifman and Sharma to obtain the invention as specified in claims 21, 26 and 27.

3) Regarding claim 22, Reifman teaches a data processing method according to claim 21, wherein said selecting step further comprises a selection to save the document accepted in said accepting step (Column 25, lines 30-41).

4) Regarding claim 23, Reifman (as modified by Sharma) teaches a data processing method according to claim 22, further comprising a saving step of saving the image data converted in said converting step into a memory of said computer terminal in a case where said save is selected in said selection step (Column 25, lines 30-41).

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5) Regarding claim 24, Reifman teaches a data processing method according to claim 21, wherein said image processing apparatus is a facsimile apparatus, wherein transmission by a facsimile communication is selected in said selecting step, and wherein said transferring step transfers the transmission setting including a facsimile destination to said facsimile apparatus (Column 9, line 54 – Column 10, line 10).

6) Regarding claim 25, Reifman teaches a data processing method according to claim 21, wherein said second setting step includes a setting to attach a cover sheet, and said transferring step transfers the cover sheet and the image data to said image processing apparatus (Column 9, line 54 – Column 10, line 10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin O. Dulaney whose telephone number is (571) 272-2874. The examiner can normally be reached on Monday - Friday (9am - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Bejean
J. L. Lamb*

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